

## Pleas and Sentencing

The Court will accept an *Alford* plea, depending upon the circumstances, sometimes over a Government objection. The Court will accept a *nolo contendere* plea.

Prior to sentencing, the Court requires a presentence investigation and report unless it is a corporate defendant, and then it is handled on a case-by-case basis. Disputes between the Government and defense counsel relating to the computation of sentencing guidelines are resolved by hearing prior to or at sentencing. If there is a dispute with respect to the computation of sentencing guidelines with the probation officer, the Court notifies the parties of the tentative conclusion and will make a final determination at sentencing. The Court does not typically meet with the probation officer prior to sentencing unless the Court has a question about the presentence report.

The Court will accept a Rule 11 plea agreement, but will reserve its decision as to whether to abide by that agreement. The Court will then refer the matter to probation for a presentence report and may then reject the agreement. If the Court decides to reject a Rule 11 plea agreement, it will inform the parties in open court, but will do so on the sentencing date unless the parties request otherwise. If, after reviewing the presentence report, the Court believes the sentence should be greater than the Rule 11 agreement, the defendant may withdraw the plea. The Court does not have a firm plea cutoff date. Typically, the Court will permit a convicted individual to self-report to the custodial facility.